Previous references.

File No. 50 of '02 03

1902-03

Serial Nos. 1 to 4

(Sep: Rev)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 4

Part B. for

SUBJECT.

Refund Bill for Rs 45/- in favour of M. A. Tirumarayanachar, Agent of Messrs Best and Co., in Bangalore.

SC 46.

Table of contents.

From The Dist Magte, Bangalore:
No. D. 1020 D/ 19th March 1903 (by H.C.M. Rly)
- Submits for sanction a refund bill for Rs 45/- on behalf of the Agent to Messrs Best & Co., Madras, being the excess of license fee paid by him.

To The Dist Magte, Bangalore,
No. 76 19th D/ 13th May 1903.
Observes that it is not clear why the Company should have paid Rs 45/- more than what was due was received each year for the license.

G. R. S. 58

States that Rs 20/- for each year in the shape of
paper was paid by the said company and accepted
by him as per Rule 73 of the Registration Rules, in
sight of Govt Notifn No. 612-W dt 3rd Jan 1919 whereby
reduced the said fee to Rs 20/ to Rs 1/-

Lanchins and forwards the refund bill
the Comptroller for audit.

(1

(1) Why should the Company have Paid voluntarily + Dy Cr= recd. 15 Rs more than was due? (2) Is there any provn in the Rules for refund? Or in the Stamp Regn?

3/5/03

H.D. Auld
N 4/5/03

Submitted A draft is put up requesting the Dist: Magte to answer Secy's query no: 1.

Recd 5/5/03.

As regards query (2) there is only one case where refund is allowed; ie. When the application for a license is written on an unpressed stamp, and license is refused (please see rule 37 of the Rules). There is no provision relating to the subject in the Stamp Regulation.

N.N. 6/5/03

N 6/5/03

Note continued.

The Dist: Magte was asked

('20' no: H 1914 of 13/5/03.)

2

to explain why the company voluntarily paid and he received Rs 15/- more than what was actually due, and state under what provision of law the refund is recommended. He reports that Rs 20/- was the fee originally fixed for the license under reference, and that this amount was accordingly received for each year in the shape of Stamp paper and accepted by him losing sight of the Govt notification which reduced the fee to Rs 5/-. The Dist Magte has not answered the 2nd point, viz, under what provision of law the refund is recommended.

('from' no: D 12899 19.5.03)

The Secretary
Submitted for orders.

2/6/03 Please see rule 37. It contains the words "the fees leviable", & provides for refund when appn is refused - that is, when the fee is not leviable - in a sense. The present might also

be Confirmed as a case
in which the fee (Rupees)
is not leviable

VK
2/6/03

In the absence of an express
provision, I cannot say that
this Refund can legally be sanc-
tioned The firm who voluntarily
paid to not poor, & the amount
is not large & so there is not
special hardship which requires
that an exception shd be made.
May the ~~aff~~ request be refused?

Hm
8/7/3

The Dewan
through the 2nd
Councillor

8268
8-6-03
camp mysore

Strictly speaking, no refund
is claimable, but seeing that
both the Claimants & the
District Magistrate were in
ignorance and that as a conse-
-quence more than Rupees
Rupees has been legally
levied it is a question whether,
apart from the provisions of the
Stamp Act relief should
not be afforded - I think it should
This however is a matter
outside the scope of the Stamp

Act & therefore beyond my
Province - I have to
deal with in the Finance dept
dept - Please therefore obtain
the Dewans orders & do the
needful -

9/6/03

Refer to Govt: Dept. (10754 / 11.6.03.
the refund under
the rule sanctioned.
If the reduction had
been effected upon
which was granted

25.VI.03

27/6/3

Submitted.

The first application for license was for the year 1901. The notification ordering the substitution of Rs 5/- for Rs 30/- is dated 3rd February 1899. This shows that the license was granted long after the reduction of fee had been effected. A draft sanctioning the refund proposed is put up.

30/6/03

Is it necessary to make a reference to the Govt: Dept?
Please see Dewan's order above.
Refer to the Govt

30/6/03

Issue order of refund
thereon

7/7/3

17 ur

1902/03 (1

From The District Magistrate
Bangalore District

To The Secy to the Govt
of my Dov
Rev & Genl Depts

Dated 19th } March 1903
Despatched 20th }

Received

General No.

D No. 1020.

Enclosure No One refund bill
+ 3 Stamp labels

Submits for sanction and transmission to the Comptroller for audit a refund bill for Rs 4 5/- on behalf of the Agent to Messrs Bestco Madras being the excess license fee paid by him

Refer to Rev Secy

Please put up refunds quoted in this letter.

21/3/03

C2 — 11 No 1
Leg: Rev 10 of 1902

Dr. No 1020

Enc: one upon list
3 Stamp papers.

Bangalore District
District Magistrate's office
Bangalore 19th March 1903

From,

H. H. Sharkey Esqr
District Magistrate
Bangalore District

To,

H. V. Ranjmunayya Esqr Mysore
Secy to the Govt of Mysore
Rev: and Genl Depts.

Sir,

I have the honor to state that the Agent to messrs Best and Co. Madras in Bangalore, applied to this Office for license in form J under the Explosive Rules during the years 1901-1902 and 1903 on a general Stamp Paper of the (Three stamp papers enclosed herein) value of Rs 20/- for each year under Section 23 of the said Rules. License was accordingly

issued

issued to him by this office. But the fee for the said license being reduced from Rs 20/- Rs 5/-, Vide Government Notification No. 162 in Geological dated 3rd February 1899 the Agent has now claimed the refund of the excess amount paid by him Viz Rs 45/- at the rate of Rs 15/- per each year. Hence the enclosed refund bill is submitted for sanction and transmission to the Controller for audit.

I have the honor to be,

Sir,

Your most obedient Servant

H H Sparkes

District Magistrate

hm

14

2016 2

To

The District Magle.,

Bangalore.

D

No. 7C 1914

Date. 13/5/03

13

His letter no: D1020 9

19.3.03 submitting for

sanction a refund bill

for Rs 45/- in favour of

his Agent to Messrs Best

& Co., Madras, in Bangalore.

Referring to the above

has the honour to ob-

observe that it is not clear

~~goore as to~~ why the

Company should have

paid voluntarily and

the Dy Commr District Magt received

Rs 15/- more than was

due, and under what

provn of law the refund is

recommended. "B.O"

Submitted

for orders.

Sd/- 11/5/03 | 12/5/03

Sd/- 12/5/03

Secy

Sd/- 6/5/03

(5

OFFICE OF THE
Regd. 12525
21 MAY 1903
No. 25 District

2479

From The District Magistrate
Bangalore District

To The Secy to the Govt
of Mysore
Rev: and Genl Depts

Dated 19th May 1903

Despatched 20th

Received

General No.

D No. 1289

Enclosure No

Secy's docket No 914 of 13th May 1903.

Submits information on certain points in regard to the refund bill for Rs 45/ Duto for Sanction in favor of the Agent to Messrs Best & Co Madras in Bangalore.

Asst
21-5-03

Rep. Issued
30/5 - Asst
Filed with continued note

MGCPB—50 reams.—6-12-02.

6 — Dlm. 3

D No 1289

Bangalore District
District Magistrate's office
Bangalore 19th March 03.

From,

H St S Parkes Esqr
District Magistrate
Bangalore District

To,

H. V. Ranjmbayya Esqr MRAS
Secy to the Govt of Mysore
Revenue Depts

Sir,

In acknowledging the receipt of your docket No 1914 dated 13th Instant, enquiring as to why Rs 15/- more than what was due was recovered each year for the license &c, I have the honor to state that in Rule 23 of the Explosive Rules, Rs 20/ were the fee originally fixed for such license. Accordingly Rs 20/

for

(8)

SCNo 4

Read

Correspondence ending with letter no: D 12893 19.5.03 from the Dist. Magistrate, Bangalore, submitting for sanction a refund bill for Rs 45/- in favour of M.A. Thirumarayanachar, Agent to Messrs. Best & Co Madras, in Bangalore

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Order thereon

D Sec 341
Dio H 114-15

During the years 1901, 1902 & 1903 the agent to Messrs. Best & Co. Madras in Bangalore, applied to the District Magte for license in Form-F of the rules under the Mysore Explosives Regulation with a fee of Rs 20/- in Stamps for each year under rule 23 of the said rules.

D 14-7-03
14

(8

SEBoard

Read

Correspondence ending with letter no: D 12897 19.5.03 from the Dist. Magistrate, Bangalore, submitting for sanction a refund bill for Rs 45/- in favour of M.A. Thirumarayanachar, Agent to Messrs. Best & Co Madras, in Bangalore.

D Ser 381
Dio H 114-15

Order thereon.

D 14-7-03
14

During the years 1901, 1902 & 1903 the agent to Messrs. Best & Co. Madras in Bangalore, applied to the District Magte. for license in Form-K of the rules under the Mysore Explosives Regulation with a fee of Rs 20/- in Stamps for each year under rule 23 of the said rules.

the license applied for was granted. Subsequently under the authority of Govt. Notification no: 162 Geological dt 3.2.1899 ordering the substitution of the word 'five' for 'twenty' in Rule 23 of the Explosives Rules, and thereby reducing the fee for license to sell specified explosives from Rs 20/- to Rs 5/-, the agent claimed the refund of the excess amount, viz, Rs 45/- paid by him for the 3 years at the rate of Rs 15/- per year. The District Magte now submits a refund bill for the amount in favour of the party concerned.

Under the circumstances brought to notice

notice the refund bill is sanctioned and forwarded to the Comptroller, Mysore Govt, for audit.

Draft as per Accounts Officer

J. 2/7/03

Seen
XV
30/6/03

The District Magte,
Bangalore, returning the enclosures.

The Comptroller, Mysore
Govt, with the bill.

Copy to the Secretary,
Geological Department.

Do No. 116.

2/7/03